



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/530,386	04/27/2000	ANJA KLEIN	P00.0938	7374

21171 7590 01/13/2003

STAAS & HALSEY LLP
700 11TH STREET, NW
SUITE 500
WASHINGTON, DC 20001

EXAMINER

NGUYEN, TU X

ART UNIT	PAPER NUMBER
----------	--------------

2682

DATE MAILED: 01/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/530,386

Applicant(s)

KLEIN ET AL.

Examiner

Tu X Nguyen

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-22 and 24-34 is/are pending in the application.
- 4a) Of the above claim(s) 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-22 and 24-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Comments

1. Claim 23 has been cancelled.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 18, 21-22, 25-29, 31 and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soliman (US Patent 6,101,179) and further in view of Trandai et al. (US Patent 5,893,036).

Regarding to claims 18 and 33-34, Soliman discloses a method for connection setup for mobile stations of a radio communication system having at least one base station, comprising the steps of:

with the mobile station that requests a connection setup, measuring a reception power of a signal sent from the base station in a downstream direction (see col.4 lines 25-30); and

with the mobile station, setting a transmission power dependent on the measured reception power for sending an access radio block to the base station (see col.6 lines 15-22).

Soliman does not mention about a signal sent from the base station in a downstream on a broadcast control channel and recurrently offering frequency channels for a random access in an upstream direction for the mobile station.

Trandial et al. disclose a signal sent from the base station in a downstream on a broadcast control channel (see col.3 lines 1-9); and recurrently offering frequency channels for a random access in an upstream direction for the mobile station (see col.3 lines 10-24 and see abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Soliman with the above teaching of trandai et al. in order to provide an initial transmission power control is chosen by the base station based on factors such as cell configuration, cell size and interference levels and offering random access which can be received requests from all mobile stations.

Regarding to claim 21, the modified Soliman tries to solve the problem of power control as stated on col.4 lines 2-11. Therefore, Soliman discloses the mobile station sets the transmission power all the higher the lower the measured reception power is.

Regarding to claim 22, the modified Soliman discloses the signal transmitted in the downstream direction is a pilot signal (Soliman, col.4 lines 27-30).

Regarding to claim 25, the modified Soliman discloses the signal transmitted in the downstream direction is a data signal (Soliman, col.6 lines 25-45).

Regarding to claims 26 and 27, the modifies Soliman discloses the mobile station estimates a radio field attenuation in the downstream direction on the basis of the

Art Unit: 2682

measured reception power and sets the transmission power such that the radio field attenuation is at least partially compensated (Soliman, col.7 lines 54-63).

Regarding to claims 28 and 29, the modifies Soliman discloses at least one auxiliary information is inserted into the signal sent in the downstream direction, this being employed by the mobile station for setting the transmission power (Soliman, col.6 lines 32-35).

Regarding to claim 31, the modified Soliman discloses a method and system for open loop power control in a CDMA communication system; therefore, his invention is not limited in the access radio block is not spread.

4. Claims 19-20 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soliman, in view of Trandai et al., and further in view of Olofsson et al. (US Patent 6,157,627).

Regarding to claims 19-20 and 32, the modifies Soliman fails to disclose the radio communication system is configured as a TDMA/CDMA radio communication system.

Olofsson et al. disclose TDMA/CDMA (see col.7 lines 45-47). Since the reference teaches TDMA/CDMA, it teaches information of a plurality of connections are simultaneously transmitted between the mobile stations and the base station in frequency channels formed by time slots, whereby the information of different connections can be distinguished from one another according to a connection-individual fine structure, and the access block is spread with an individual code. It would have

been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of the modified Soliman with the above teaching of Olofsson et al. in order to efficiently allocate channel resources for different users requiring different channel structures (see col.1 lines 58-60).

5. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Soliman, in view of Trandai et al. and further in view of Langlet et al. (US Patent 5,930,248).

Regarding to claim 24, the modified Soliman fails to disclose the signal transmitted in the downstream direction is a training sequence signal.

Langlet et al. disclose the signal transmitted in the downstream direction is a training sequence signal (see col.7 lines 25-30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of the modified Soliman with the above teaching of Langlet et al. in order to ensure the mobile station synchronize with the base station.

6. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Soliman, in view of Trandai et al. and further in view of Mallinckrodt (US Patent 5,878,329).

Regarding to claim 30, the modified Soliman et al. fails to disclose a broadband frequency range is divided into sub-ranges having a narrower bandwidth within a frequency channel for the random access, the mobile station that requests the connection setup selecting a sub-range within said frequency channel, and the mobile station sending the access radio block to the base station in this sub-range.

Mallinckrodt discloses sub-range within said frequency channel (see col.5 lines 49-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Soliman, Willars et al. with the above teaching of Mallinckrodt in order to perform higher frequency reuse factor as cited by Mallinckrodt col.5 lines 66-67.

Response to Amendment

7. Applicant's arguments with respect to claims 18 and 33-34 have been considered but are moot in view of the new ground(s) of rejection.

8. In response to applicant's argue on page 5. The examiner relies on the part of Trandai et al. teaching the mobile station determines from Broadcast Control Channel signal by a base station and the mobile station transmits a Random Access Channel signal to initiate a call, but not relies on other features of Trandai et al.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2682

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is (703) 305-3427. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin, can be reached at (703) 308-6739.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 2600 Customer Service Office at (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231


or faxed to:

(703) 872-9314 (Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

TN

January 2, 2003


VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600